UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 JAN 25 PM 1:30
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. [redacted] and **Manuel SALINAS-Vazquez,** Defendants	Magistrate Case No.: '08 MJ 0228 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **January 23, 2008,** within the Southern District of California, defendant [redacted] **and Manuel SALINAS-Vazquez,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **A V-S (a juvenile), Jose CASTANEDA-Garcia, and Victor SALGADO-Santa Cruz,** had come to, entered and remained in the United States in violation of law, did transport and move, said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

James Trombley
SIGNATURE OF COMPLAINANT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF **January 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

STATEMENT OF FACTS
PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **A V-S (a juvenile), Jose CASTANEDA-Garcia, and Victor SALGADO-Santa Cruz** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 23, 2008 at approximately 9:50 P.M., Senior Patrol Agent Jason Petras of the San Diego Sector Smuggling Interdiction Group (SIG) observed several individuals running towards two vehicles that were parked along the north side of Interstate 8 in Pine Valley, California. Agent Petras was in plain clothes and operating in an unmarked Department of Homeland Security surveillance vehicle.

Agent Petras slowly passed the two vehicles in order to get a better view of the activity. It is common for illegal aliens to load into vehicles in this area along I-8 after having recently walked around the Border Patrol checkpoints east of Pine Valley, California, as previously mentioned.

Agent Petras continued to travel westbound while watching the two vehicles in his rear view mirrors and while doing so he alerted other agents who were also in the immediate area. Senior Patrol Agents L. Rodriguez and J. Miranda responded immediately and began traveling to assist Agent Petras.

As Agent Petras traveled westbound he watched as the two vehicles left the shoulder of the highway and began driving west behind him. Agent Petras slowed his surveillance vehicle down in order to allow the two cars to catch up to him. The first vehicle, a green Oldsmobile, caught up to Agent Petras and passed him near the Pine Creek Bridge just west of Pine Valley, California. Agent Petras began following the green Oldsmobile and relayed this information to Agent Miranda who was positioned west of him on I-8. The second vehicle, a green Toyota, was traveling westbound in a much slower fashion than the Oldsmobile. There was no other traffic visible on this portion of I-8 at that time. Agent Petrus decided to perform a vehicle stop on the green Oldsmobile and investigate further. Agent Petras activated the emergency lights and siren equipped on his unmarked vehicle. The green Oldsmobile failed to yield. Agent Petras pursued the Oldsmobile for approximately one mile until it became apparent that the vehicle was not going to yield. Agent Petras self terminated his pursuit, allowing Agent Miranda to begin tactical surveillance on the suspect vehicle.

Agent Miranda followed the green Oldsmobile west on I-8 to the East Willows exit where it turned and traveled north. The green Oldsmobile traveled north to the Viejas Casino in Alpine, California where it pulled into the parking lot and came to a stop. Agents Miranda and Petras approached the green Oldsmobile and identified themselves to the driver and front seat passenger as United States Border Patrol agents. The agents questioned the occupants of the vehicle as to their citizenship and nationality. The driver, identified as Cecilia Josefina Gomez-Schiaffino stated that she was a United States citizen. The front seat passenger, identified as Miguel SALINAS-Vazquez, stated that he was a citizen of Mexico but produced valid immigration documents that allowed him to be in the U.S. legally. Agents Petras and Miranda searched the green Oldsmobile and discovered that Ms. Gomez-Schiaffino and SALINAS were the only occupants in the vehicle.

During this time, Agent Rodriguez continued following the green Toyota that was initially traveling with the Oldsmobile and had rendezvoused with other Border Patrol agents working in plain clothes near El Cajon, California. Based upon the information provided by Agent Petras and his own personal experiences with the alien smuggling in the Pine Valley, California area, Agent Rodriguez activated the emergency lights and siren on his unmarked DHS vehicle. The green Toyota failed to yield (FTY). Agent Rodriguez advised Dispatch that the Toyota had failed to yield to his lights and siren and self terminated the pursuit which allowed the agents to begin surveillance on the suspect vehicle.

The agents followed the green Toyota to the intersection of Kathy Street and Amaya Drive in El Cajon, California where it stopped abruptly. The occupants attempted to exit and abscond at approximately 10:37 P.M. The agents apprehended all four subjects from the green Toyota, including the driver, later identified as [redacted] Border Patrol Agent Joseph Remenar positively identified [redacted] as the driver of the green Toyota.

The agents identified themselves to the four occupants of the green Toyota as U.S. Border Patrol agents and questioned each individual as to their citizenship and nationality. Each subject freely and willingly stated that they were citizens and nationals of Mexico, in the U.S. illegally and without being in possession of any immigration documents that would allow them to be or remain here legally. Agent Rodriguez arrived on scene shortly after and took custody of the four illegal aliens and transported them to the Chula Vista Border Patrol Station in San Diego, California for processing.

Upon hearing the result of the vehicle stop and FTY concerning the green Toyota, Agents Petras and Miranda took custody of both SALINAS and Ms. Gomez-Schiaffino and transported them to the Chula Vista Border Patrol Station in San Diego, California for questioning concerning their involvement with the green Toyota and its illegal occupants.

PRINCIPAL'S STATEMENT: [redacted]

On January 24, 2008, at approximately 3:26 A.M., Agent Miranda read [redacted] his Miranda rights in the Spanish language as witnessed by Agent Engelhorn. [redacted] stated that he understood his Miranda rights and that he was willing to answer their questions without an attorney present.

[redacted] stated that he is a citizen and national of Mexico, illegally present in the United States without any United States immigration documents allowing him to enter or remain in the United States legally. [redacted] stated that he arranged to be smuggled for a smuggling fee of $2,000.00 USD to be smuggled to Fallbrook, California. After arrangements were made in Tijuana, Baja California, Mexico, [redacted] was taken to Tecate, Baja California, Mexico where he met ten other subjects including two foot-guides. According to [redacted] everyone in the group illegally crossed the United States on January 21, 2008 at approximately 12:00 P.M. After entering the United States, the group was picked up by a white van and dropped off at an area where they circumvented the Interstate 8 Border Patrol Checkpoint. The group eventually split where only [redacted] a foot-guide, and two other smuggled aliens remained. The group was taken to pre-arranged pick-up location. While waiting, the foot-guide offered to discount [redacted] half the smuggling fee provided that [redacted] would drive the group in a vehicle that would be dropped off by an unknown subject. [redacted] agreed. At that time, [redacted] and the rest of the group entered the small sedan and left the area with [redacted] driving. Shortly after, [redacted] noticed that a vehicle behind him attempted to conduct a vehicle stop on [redacted] failed to yield and accelerated in an attempt to avoid apprehension. [redacted] admitted that he knew driving erratically on a wet surface was dangerous. [redacted] stated that he fled, crashed, bailed out of the vehicle, and was later apprehended.

WITNESS STATEMENT:

Cecilia Josefina Gomez-Schiaffino stated that she is a citizen of the United States Ms. Gomez stated that she recently moved into a house where she rents. Ms. Gomez stated that the day before yesterday, SALINAS went to her house to fix her washing machine. This was the first time that she had met SALINAS.

On January 23, 2008, at approximately 6:00 P.M., her landlord asked Ms. Gomez to meet with SALINAS and to assist him in dropping off a vehicle somewhere in El Cajon, California. Ms. Gomez was to meet SALINAS at a restaurant located in El Cajon, California and then follow him to the vehicle drop off location. The landlord told Ms. Gomez that SALINAS would give her some cash belonging to the landlord after being dropped off. the landlord assured Ms. Gomez that SALINAS was a good person and not to worry about anything. According to Ms. Gomez, the landlord provided her with the green Oldsmobile with which she was to meet and follow SALINAS. When Ms. Gomez arrived at the restaurant, she saw SALINAS arrive in a green Toyota Camry shortly after. SALINAS greeted Ms. Gomez and gave her a cellular phone for her to use in case they got separated. SALINAS specifically instructed Ms. Gomez not to use the phone other than answering his call. Ms. Gomez began to follow SALINAS as they traveled eastbound on Interstate 8. After following SALINAS for a long time on Interstate 8, she noticed that he got off on an unknown exit from Interstate 8 and then got back onto the freeway going westbound. Shortly thereafter, SALINAS pulled over onto the side of the highway and Ms. Gomez parked right behind him. As soon as SALINAS pulled over, Ms. Gomez saw him exit the vehicle and quickly run towards her vehicle demanding her to open the front passenger door. Simultaneously, Ms. Gomez saw approximately four individuals wearing wet clothes come out of the brush and get inside the Toyota Camry that SALINAS had been driving. The now new driver of the Camry left right away. As soon as Ms. Gomez allowed SALINAS to enter the vehicle, he told her to leave the area right away. Ms. Gomez began to follow the Camry but then passed it after SALINAS instructed her to do so. According to Ms. Gomez, SALINAS appeared to be stressed out and noticed him look over his shoulder several times as if he wanted to see if he was being followed. When Ms. Gomez asked SALINAS why he had left the vehicle there, he told her that was where the vehicle was supposed to be dropped off at.

While Ms. Gomez continued traveling westbound on Interstate 8, she noticed a vehicle behind her with a steady red light behind her. Ms. Gomez claims that she thought that the vehicle behind her was trying to pull over a different vehicle, even thought there weren't any other vehicles next to her or within a short distance ahead of her. She eventually exited onto East Willows Road towards Viejas Casino. Ms. Gomez felt stressed out and wanted to relax at the Casino. Ms. Gomez stated that she encountered the Border Patrol shortly after parking at the Viejas Casino Parking Lot.

MATERIAL WITNESS STATEMENTS:

A V-S (a juvenile), Jose CASTANEDA-Garcia, and Victor SALGADO-Santa Cruz all stated that they are citizens and nationals of Mexico, and that they are illegally present in the United States. **A V-S (a juvenile), Jose CASTANEDA-Garcia** stated that family members had made arrangements for them to be smuggled into the United States. A V-S (a juvenile) was to pay $1500 to be smuggled into the United States. Jose CASTANEDA-Garcia was to pay $2000 to be smuggled into the United States.Victor SALGADO-Santa Cruz had made arrangements to be smuggled into the United States for $1800.

A V-S (a juvenile) was shown a photographic lineup and positively identified [redacted] as the foot guide and driver of the vehicle that they were traveling in.

CASTANEDA was presented with five different Polaroid photos. CASTANEDA identified [redacted] as one of the subjects that he illegally entered with.

SALGADO was shown a photographic lineup and positively identified [redacted] as the subject who told the group to get into the car they were traveling in.